

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:23-cv-00103-JRG-RSP

JURY TRIAL DEMANDED

**DECLARATION OF MARC FENSTER IN SUPPORT OF PLAINTIFF HEADWATER
RESEARCH LLC'S MOTION FOR SUMMARY JUDGMENT OF NO INVALIDITY
BASED ON THE MOTOROLA E815**

I, Marc Fenster, declare as follows.

1. I am counsel for Headwater Research LLC in the above-captioned action. I provide this declaration in support of Headwater's Motion for Summary Judgment of No Invalidity Based on the Motorola E815. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. Attached as Exhibit 1 is a true and correct copy of excerpts from the opening expert report of Ian Foster, dated September 26, 2024, with redactions in the top header of each page added by counsel to remove the confidentiality brand because the excerpts contain no confidential material.

3. Attached as Exhibit 2 is a true and correct copy of 3GPP TS 23.140 V.6.9.0, which was produced in this case by Defendants and bears Bates numbers SAMSUNG_PRIORART2_0001925-2142.

4. Attached as Exhibit 3 is a true and correct copy of Exhibit 1023 to *Samsung Electronics Co., Ltd. v. Headwater Research LLC*, IPR2024-00341, a January 23, 2024 letter from Defendants counsel to Headwater's counsel concerning an IPR stipulation.

5. Attached as Exhibit 4 is a true and correct copy of Miraj E. Mostafa, *Transporting Data Between Wireless Applications Using a Messaging System—MMS*, Wireless Comm. & Mobile Computing, No. 7, pages 729-740 (2007), which was produced in this case by Defendants and bears Bates numbers SAMSUNG_PRIORART2_0002143-54.

6. Attached as Exhibit 5 is a true and correct copy of 3G TR 21.801 V4.0.0, which is available for download from https://www.3gpp.org/ftp/Specs/archive/21_series/21.801/21801-400.zip.

7. Attached as Exhibit 6 is a true and correct copy of excerpts from the rebuttal expert report of Erik de la Iglesia, dated October 14, 2024.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 25, 2024 at Los Angeles, California.

By: /s/ Marc Fenster
Marc Fenster